

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

In re: SUZANNE BAIR,

Debtor.

)
) **Chapter 7**
) **Case No. 18-bk-12585**
) **JUDGE BUCHANAN**
)

EILEEN K. FIELD, Chapter 7 Trustee,

Plaintiff,

vs.

)
)
) **Adversary Pro. No.: 19-1009**
)

SUZANNE BAIR, et al.,

Defendants.

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**APPLICATION OF CHRISTINE B. HILL, AS ATTORNEY FOR TRUSTEE, FOR
ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES IN
CONNECTION WITH THE PROSECUTION OF ADVERSARY NO. 1:19-ap-1009,
CAPTIONED *EILEEN K. FIELD, TRUSTEE, VS. SUZANNE BAIR, ET AL.***

Christine B. Hill. Esq., Special Counsel for Eileen K. Field, Chapter 7 Trustee
(“Trustee”) in the above captioned matter, herein submits her Application of Christine B. Hill, as
Attorney for Trustee, For Allowance of Compensation and Reimbursement of Expenses in
Connection with the Prosecution of Adversary No.: 1:19-ap-1009 pursuant to this Court’s prior
Order on Application to Employ (Doc. #12), which Order authorized the employment of
Christine B. Hill as Special Counsel, pursuant to 11 USC Section 327(a) and Bankruptcy Rule
2014. Said Order authorized the employment of Special Counsel for the purpose of investigating

a potentially fraudulent conveyance of equity in real estate associated with premises at 1800 Tanglewood, Drive, Loveland, Ohio 45140.

In efforts to effectuate the intentions of the Trustee, on February 18, 2019, Special Counsel filed Adversary Proceeding No. 1:19-ap-1009, captioned *Field v. Suzanne Bair, et al.*, alleging that the debtor Suzanne Bair transferred significant equity in premises at 1800 Tanglewood Drive, Loveland, Ohio 45140 to Co-Defendant, David Bair, an insider, for no consideration, and that the transfer constituted a fraudulent transfer under O.R.C. Chapter 1336, Ohio Uniform Fraudulent Transfer Act.

Suzanne Bair was dismissed as a defendant pursuant to a Motion to Dismiss and court order.

Since the filing of the Adversary, the matter has been settled in all respects, contingent upon approval of this Court. Accordingly, on April 29, 2020, Special Counsel filed a Joint Motion to Approve Compromise Under Rule 9019. Therein, the Trustee agreed to dismiss all claims with prejudice in consideration, inter alia, of the payment of \$20,000.00 by Defendant, David Bair, Jr. to the Trustee, for the benefit of the bankruptcy estate.

It is respectfully submitted that the services described in the attached exhibit are fair and reasonable, and were necessary for execution of Special Counsel's duty to the Trustee and, further, resulted in a compromise that is beneficial to the bankruptcy estate.

There have been no previous applications for allowance of compensation and reimbursement of expenses.

WHEREFORE, it is respectfully requested that the instant Application for Allowance of Attorney Fees, be granted, and that Special Counsel be awarded fees and costs in the total amount of \$6,500.37.

Respectfully submitted,

/s/ Christine B. Hill

Christine B. Hill OH Reg. #0041319
Attorney for Eileen K. Field, Trustee
3991 Hamilton Middletown Road, Suite T
Hamilton, Ohio 45011
(513) 381-8999

Agreed and Approved:

/s/Eileen K. Field, Esq.

NOTICE OF MOTION

An Application of Christine B. Hill, as Attorney for Trustee, for Allowance of Compensation and Reimbursement of Expenses in Connection with the Prosecution of Adversary, has been filed pursuant to 11 U.S.C. § 522(f)(1)(B).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Motion, then on or before **twenty –one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

Clerk, U.S. Bankruptcy Court
Southern District of Ohio
221 East Fourth Street, Suite 800
Cincinnati, Ohio 45202-4133

OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF system or by 2) regular U.S. Mail to:

Christine B. Hill, 3991 Hamilton Middletown Road, Ste. T, Hamilton, Ohio 45011

Office of the US Trustee, 550 Main Street, Suite 4-812, Cincinnati, Ohio 45202

Eileen K. Field, Trustee, 3991 Hamilton Middletown Road, Suite U, Hamilton, Ohio 45013

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Application of Christine B. Hill, as Attorney for Trustee, for Allowance of Compensation and Reimbursement of Expenses in Connection with the Prosecution of Adversary No. 1:19-ap-1009, captioned *EILEEN K. FIELD, TRUSTEE, VS. SUZANNE BAIR, ET AL.*, was served electronically on the date of the filing through Court's ECF system on all ECF participants registered in this case at the email address registered with the court and by ordinary US Mail on May 13, 2020, addressed to:

Suzanne Bair
1800 Tanglewood Drive
Loveland, Ohio 45140

David Bair
1800 Tanglewood Drive
Loveland, Ohio 45140

/s/Christine B. Hill

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In re: SUZANNE BAIR,

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Chapter 7

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JUDGE BUCHANAN

EILEEN K. FIELD, Chapter 7 Trustee,

Plaintiff,

vs.

SUZANNE BAIR, et al.,

Defendants.

Adversary Pro. No.: 19-1009

FEE INVOICE

8/15/18	Conference with Trustee Eileen K. Field re retention as attorney for trustee to investigate and pursue fraudulent transfer claim versus debtor and David Bair Jr.....	.3
8/16/18	Legal research re fraudulent conveyance.....	1.0
10/24/18	Letter to Attorney Goering ("Goering") re investigation of potential fraudulent transfer claim with document requests on behalf of Chapter 7 Trustee.....	.5
11/3/18	Review preliminary discovery documents provided by Goering in response to letter of 10/24/18.....	.15
12/13/18	Review letter from Goering with tax documents.....	.1
12/18/18	Review letter from Goering with bank statements.....	.2
1/29/19	Schedule court reporter for Suzanne Bair deposition.....	.2
1/30/19	Email and response to Christen Steimle and phone call re Suzanne Bair deposition.....	.2

1/31/19	Prepare for Suzanne Bair deposition, review petition, schedules, credit card and bank statements and discovery. Compile exhibits.....	2.0
2/4/19	Search Common Pleas Court website for litigation/mechanic liens versus Suzanne Bair, and related companies.....	.3
2/4/19	P/C with C Steimley re scope of Suzanne Bair deposition.....	.1
2/5/19	Conduct deposition of Suzanne Bair	1.0
2/11/19	Letter to Goering re additional discovery requests following Suzanne Bair deposition, with itemization of requested documents.....	.3
2/14/19	Prepare Adversary Complaint for recovery of money/property pursuant to Ohio Revised Code fraudulent transfer statute(s).....	2.0
2/15/19	Review and revise Adversary Complaint with comments from Trustee.....	.5
2/18/19	Prepare Summonses. Final revisions to Adversary Complaint and file.....	.5
3/24/19	Review Answer to Complaint filed by Suzanne Bair.....	.15
3/24/19	Review Answer to Complaint filed by Davis Bair Jr.....	.15
4/3/19	Review Order requiring Joint Status Report and rescheduling Status Conference.....	.05
4/13/19	Review letter from Goering re settlement offer and discuss with Trustee.....	.1
4/15/19	Review letter from Goering re dismissal of Suzanne Bair.....	.1
4/15/19	Letter to US Assistant Trustee Sales re sharing of informal discovery.....	.1
4/17/19	Prepare, revise and file Pretrial Statement.....	.5
4/22/19	Email to US Assistant Trustee Sales (“Sales”) re sharing discovery authorized by debtor’s counsel and review response.....	.1
4/22/19	Follow-up email to Goering re additional discovery following Suzanne Bair deposition.....	.1
4/23/19	Letter to Attorney Saba (“Saba”) re Trustee’s settlement demand.....	.1
4/25/19	Letter to Sales re sharing discovery and need for witness subpoena if Testimony required at hearing on revocation of David Bair Jr. discharge.....	.1

5/10/19	Prepare, revise, fax/mail Interrogatories and Request for Production of Documents to Goering for response by Suzanne Bair.....	1.5
5/10/19	Email to Saba re scheduling deposition of David Bair Jr.....	.1
5/16/19	Pretrial Conference with Judge Buchanan and parties.....	4
5/17/19	Email and VM to Saba re deposition of David Bair Jr.....	.1
5/21/19	P/C to Saba re scheduling deposition of David Bair Jr.....	.05
5/28/19	Letter to Saba re deposition of David Bair Jr.....	.1
5/29/19	Prepare, revise, mail Interrogatories and Request for Production of Documents to Saba for response by David Bair Jr.....	.75
6/6/19	PC with Saba re providing dates for deposition of David Bair Jr.....	.05
6/7/19	Amend and re-file Preliminary Pretrial Statement per Court direction.....	NC
6/8/19	Review letter from Goering re extension on discovery and response to Interrogatories.....	.05
6/9/19	Review Motion to Dismiss filed by Suzanne Bair and conference with Trustee25
6/11/19	Review letter from Goering re response to Interrogatories and Request for Documents.....	.1
6/11/19	Email from Goering and response re agreed extension to respond to Interrogatories.....	.1
6/13/19	Prepare Notice of Deposition for David Bair Jr., and email to Saba with other matters/concerns.....	.25
6/14/19	Review letter from Goering re discovery available at his office for copying.....	.1
6/17/19	Review and copy pertinent discovery records at Goering law offices.....	1.2
6/19/19	Email to Goering re sharing discovery with Sales.....	.05
6/26/19	Prepare Response to Motion to Dismiss of Suzanne Bair.....	.6
6/27/19	Final revisions and file Response to Motion to Dismiss of Suzanne Bair.....	.3

6/27/19	P/C/ to Mobley Court reporters to schedule court reporter for deposition of David Bair Jr.....	.2
6/28/19	P/C to Saba to confirm David Bair deposition, left voice mail.....	.05
7/1/19	Prepare Response to Motion to Dismiss of David Bair Jr.....	.5
7/1/19	P/C to Saba for confirmation that client David Bair Jr. will be available for deposition.....	.05
7/3/19	Deposition of David Bair Jr.....	1.0
7/18/19	Final revisions and file Response to Motion to Dismiss of David Bair Jr.....	.25
9/17/19	Review Adversary Complaint filed by US Trustee vs David Bair Jr., to revoke discharge.....	.3
10/14/19	Review Order, Memorandum Opinion, granting Motion to Dismiss of Suzanne Bair.....	.05
10/17/19	Status Conference with Judge Buchanan and parties.....	.4
1/8/20	Review Agreed Order revoking discharge of David Bair Jr.....	NC
1/9/20	Prehearing conference with Trustee; Status Conference with Judge Buchanan and parties.....	.5
1/15/20	Conference call with Trustee and Attorneys Finney and Shive re Bairstone and Kingston litigation and financial matters of Bair Build.....	.25
1/30/20	Review email from Goering re insolvency issue and settlement offer to follow.....	.05
2/7/20	Conduct County Auditor search for property records re Bairstone property transfers.....	.3
2/11/20	Review letter from Goering re settlement proposal, review attached financing statements and conference with Trustee.....	.75
2/20/20	Review 2016, 2017 and 2018 tax returns of Barestone from Kingston Development.....	.15
2/20/20	Work on response to Goering 2/4/20 settlement offer letter.....	1.4
2/25/20	Review and revise settlement offer response. Conference with Trustee. Email	

	response to adversaries.....	.4
3/5/20	Status Conference with Judge Buchanan and parties.....	.3
3/11/20	PC with Trustee, email to Goering re proposed settlement language and contact with H. Menninger re abandonment of 1800 Tanglewood property.....	.1
3/30/20	Email from court re rescheduling status conference and status reports.....	.05
4/4/20	Status Conference with Judge Buchanan and parties.....	.3
4/13/20	Review David Bair Jr. Withdrawal of Motion to Dismiss.....	.05
4/14/20	Review email from Goering re: abandonment.....	.05
4/20/20	Review Order granting Motion to Withdraw Motion to Dismiss.....	.05
4/21/20	Prepare draft Motion to Settle Adversary and proposed Order.....	.8
4/22/20	P/C with Trustee re Joint Motion to Settle. Revise Motion and forward to Goering and Saba for comment.....	.2
4/23/20	Address response from Goering re modification to Joint Motion/Order.....	.05
4/28/20	P/C to Saba to inquire of approval of Settlement Motion. Left voice mail. Review responsive email.....	.05
4/29/20	File and serve Joint Motion to Compromise.....	NC
Total Hours.....		25.55 Hrs
Attorney Fee at \$250/hour.....		\$6,387.50
Travel Hours at \$100/hour.....		\$ <u>300.00</u>
Attorney Fees.....		\$6,687.50
Attorney Fees with 15% discount.....		<u>\$5,684.37</u>

Deposition of Suzanne Bair.....	\$581.35
Deposition of David Bair Jr.....	316.60
Postage.....	<u>\$ 94.30</u>
	\$922.25

Costs: \$922.25

Total Fees & Cost \$6,606.62